

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IVY JO ECKMAN;)
ADRIAN SANCHEZ; and) Civil Action
ALTHEA SANCHEZ,) No. 08-cv-05454
)
Plaintiffs)
)
vs.)
)
LANCASTER CITY;)
POLICE OFFICER C. LUCIANO;)
POLICE OFFICER JOSEPH GRAZCYK;)
POLICE OFFICER JAMES FATTA; and)
POLICE OFFICER DAMON GREATHOUSE,)
)
Defendants)

O R D E R

NOW, this 30th day of September, 2010, upon
consideration of the following documents:

(1) Defendants' Motion for Summary Judgment Pursuant to Rule 56(c), Federal Rules of Civil Procedure, which motion was filed October 6, 2009 (Document 18); together with:

(a) Brief in Support of Defendants' Motion for Summary Judgment Pursuant to Rule 56(c), Federal Rules of Civil Procedure, which brief was filed October 6, 2009 (Document 18-2);

(b) Statement of Material Facts in Support of Defendants' Motion for Summary Judgment Pursuant to Rule 56(c), Federal Rules of Civil Procedure, which statement was filed October 6, 2009 (Document 18-3); and

(c) Appendix of Exhibits in Support of Defendants' Motion for Summary Judgment Pursuant to Rule 56(c), Federal Rules of Civil Procedure, which appendix was filed October 6, 2009 (Document 18-4);

(2) Plaintiffs' Response in Opposition to Defendants' Motion for Summary Judgment Pursuant to Rule 56(c), which response was filed November 17, 2009 (Document 25); together with:

(a) Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Judgment Pursuant to Federal Rule of Civil Procedure 56(c), which brief was filed November 17, 2009 (Document 27);

(b) Plaintiffs' Counter Statement of Material Facts, in Opposition to Defendants' Motion for Summary Judgment, which counter statement was filed November 17, 2009 (Document 26); and

(c) Plaintiffs' Appendix of Exhibits in Opposition to Defendants' Motion for Summary Judgment Pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, which appendix was filed November 18, 2009 (Document 28);

upon consideration of the pleadings, record papers, exhibits, affidavits and depositions submitted by the parties; after oral argument held January 22, 2010¹; it appearing that on October 8, 2009 former District Judge Thomas M. Golden entered an Order filed October 9, 2009 approving a stipulation of counsel dismissing five enumerated claims with prejudice (Document 19); it further appearing that the parties have stipulated that defendants Lancaster City and Police Officer Carlos M. Luciano,

¹ Oral argument was held before my former colleague, Honorable Thomas M. Golden. Subsequent to Judge Golden's untimely death, this case was reassigned to me on August 10, 2010.

Jr. shall be dismissed from the within lawsuit²; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that defendants' motion for summary judgment is denied in part and granted in part.

IT IS FURTHER ORDERED that the motion for summary judgment of defendant Police Officer Damon Greathouse is denied concerning the claims against him by plaintiff Ivy Jo Eckman in the Civil Action Complaint for false arrest (Counts I and V), malicious prosecution (Counts IV and V), punitive damages (Count VII) and attorneys' fees (Count VIII).

IT IS FURTHER ORDERED that in all other respects, defendants' motion for summary judgment is granted.

IT IS FURTHER ORDERED that all claims in the Civil Action Complaint of plaintiffs Ivy Jo Eckman, Adrian Sanchez and Althea Sanchez are dismissed with prejudice against defendants Lancaster City, Police Officer C. Luciano, Police Officer Joseph Graczyk and Police Officer James Fatta.

IT IS FURTHER ORDERED that the claims in the Civil Action Complaint of plaintiff Ivy Jo Eckman against defendant

² See Notes of Testimony of Oral Argument (styled "Transcript of Hearing Before The Honorable Thomas M. Golden[,] United States District Judge", January 22, 2010, at page 4.

Police Officer Damon Greathouse for failure to investigate
(Count III) are dismissed with prejudice.³

BY THE COURT:

/s/ James Knoll Gardner

James Knoll Gardner

United States District Judge

³ As a result of this Order, the only claims remaining in this case are the claims in the Civil Action Complaint of plaintiff Ivy Jo Eckman against defendant Sergeant Damon Greathouse for false arrest, malicious prosecution, punitive damages and attorneys' fees in Counts I, IV, V, VII and VIII. All other claims of all plaintiffs are, or have been, dismissed.